

Regular Session, 2009

SENATE BILL NO. 186

BY SENATORS MARIONNEAUX, CHEEK, DORSEY, ERDEY, HEITMEIER, MOUNT,
NEVERS AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENTAL CONTROL. Provides relative to the Louisiana Smokefree Air Act.
(4/1/10)

AN ACT

To amend and reenact R.S. 40:1300.256(B)(13) and to enact R.S. 40:1300.256(A)(5) and to
repeal R.S. 40:1300.256(B)(5) and (8), relative to prohibiting smoking in certain
places; to provide for restrictions; to provide relative to exceptions; and to provide
for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1300.256(B)(13) is hereby amended and reenacted and R.S.
40:1300.256(A)(5) is hereby enacted to read as follows:

§1300.256. General smoking prohibitions; exemptions

A. Except as permitted by Subsection B of this Section, no person shall:

* * *

**(5) Smoke in any restaurant or bar if food is served at any time while
such restaurant or bar is open to the public.**

* * *

B. Nothing in this Part shall prohibit smoking in the following places:

* * *

(13) An outdoor patio, ~~whether or not food is served.~~

* * *

Section 2. R.S. 40:1300.256(B)(5) and (8) are hereby repealed in their entirety.

Section 3. This Act shall become effective on April 1, 2010.

The original instrument was prepared by Danielle Doiron. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Marionneaux (SB 186)

Present law prohibits smoking in any public building, school, public place, and in any enclosed area within a place of employment.

Proposed law retains present law and also prohibits smoking in any restaurant or bar if food is served at any time while such restaurant or bar is open to the public.

Present law provides for exceptions to the prohibition of smoking in certain places, including any bar and designated smoking areas in which gaming operations are permitted to occur.

Proposed law retains present law but removes the exceptions for any bar and designated smoking areas in which gaming operations are permitted to occur. Also specifies that an outdoor patio remains an exception, without clarifying language of whether or not food is served.

(Amends R.S. 40:1300.256(B)(13); adds R.S. 40:1300.256(A)(5); repeals R.S. 40:1300.256(B)(5) and (8))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill.

1. Removes provisions which exempt bars, facilities licensed for operation and regulated under the provisions of Chapters 4 and 11 of Title 4 and Chapters 4, 5, 6, and 7 of Title 27 of the Louisiana Revised Statutes, and outdoor patios from the smoking prohibition in certain places.
2. Adds an effective date of April 1, 2010.

Senate Floor Amendments to engrossed bill.

1. Removes the exceptions for any bar and designated smoking areas in which gaming operations are permitted to occur.
2. Allows an outdoor patio to remain an exception and removes clarifying language of whether or not food is served.